



Calaveras County

Environmental Management Agency

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Calaveras County Enforcement Work Plan 2010 – 2013

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ENFORCEMENT WORK PLAN MISSION STATEMENT

“To develop and implement a program within the Calaveras County Agricultural Commissioner’s resources that addresses the core pesticide enforcement program elements of the Department of Pesticide Regulation. In addition, to implement the local programs to assure that no socioeconomic group of Calaveras County is disproportionately impacted by the use of pesticides and to protect pesticide handlers, field workers, farmers, our communities, and the environment through an effective countywide pesticide use enforcement program. We commit to continually assess, monitor, and evaluate the core program elements in our enforcement program and implement program improvements as needed. We invite DPR staff to coordinate with Calaveras County staff to provide for oversight inspection opportunities.”

County Resources

• Mary Mutz:	Agricultural Commissioner	20%
• Kevin Wright:	Deputy Agricultural Commissioner	50%
• Mark Schultz:	Agricultural Biologist Trainee	20%
• Eric Mayberry:	Agricultural Biologist III	50%

Calaveras County Agricultural Commissioner (CAC) would like to be evaluated on a three-year basis by the Enforcement Branch Liaison (EBL).

A. Restricted Materials Permitting

Permit Evaluation

Information from the Department of Pesticide Regulation (DPR) database for 2009 is as follows:

- 2009 Restricted Material Permits 40
- 2009 Operator ID numbers 77
- 2009 Pesticide Use Monitoring insp. 18
- CAC issues approximately 35 Restricted Materials Permits (RMPs) a year.
 - CAC issues three-year RMPs unless there is a high potential for problems associated with applications.
 - CAC oversees 74 active RMPs on average.
- Small vineyards and rangeland constitute the majority of the permittees. Most of the permits are issued for phenoxy herbicides, strychnine, and aluminum phosphide.
- Only licensed staff issues RMPs.
- The majority of the growers renew their certification through continuing education.
- Approximately ten continuing education opportunities are provided.
- An electronic log is kept of all Notices of Intent (NOI), and is reviewed by a licensed biologist.
 - If problems are detected, the NOI is denied.
 - Most denials are due to expired permits.

- The majority of the NOIs are for aluminum phosphide, strychnine (rodent control), 2,4-D in forest situations (stump treatments), and paraquat in a few vineyards and orchards.
- On weekends, holidays, and after hours, voice mail records the NOIs and the information is transferred to the log the next business day.
- Biologists review alternative pesticides and mitigate hazards during permit review.
- There are permits in the system with “just in case” materials, such as lindane, metasystox-r, and supracide. These “just-in-case” materials are reviewed with the permittee and removed from the permit if there is no reported use in the last calendar year. They can then be added as a supplement when there is an actual need for these materials.

Strengths

- Staff, counting the commissioner, have over 30 years of working experience in Calaveras County.
- Staff is familiar with the geography of the county.
- Staff is familiar with many of the crops grown and pest management practices performed
- Staff has production agriculture experience and knowledge of local conditions, which helps to reduce adverse environmental impacts.
- There is a working NOI system in place.
- CAC staff has made reductions in the number of pesticides on RMPs that are not needed.
- Continuing Education classes are available every week during the permit season and include a class for Spanish speakers. A class for control of Yellow Star Thistle, a common pest for Calaveras rangeland, is also given annually.
- CAC has a good working relationship with the only two vineyard Pest Control Operators in the county.
- No Ground Water Protection Areas (GWPAs) in county.

Weakness

- There is an inability to perform inspections behind locked gates (including: rangeland, timber and vineyard operations), but access problems are being worked on.

Goal or Objective

- Assure potential hazards are thoroughly evaluated.
- Reduce unnecessary permitted products.
- Update the permit program to the PPUP mapping system when it is implemented.
- Work with growers to perform inspections behind locked gates.
- Increase the awareness of the agricultural industry regarding endangered species protection requirements and resources for endangered species information.
- use of buffer zones when necessary for safe pesticide applications.

Deliverables

The following are the tasks and activities to implement improvements.

- Better maps due to the implementation of the PPUP mapping program (April 2011) to evaluate sensitive sites.
- Determine if sites are in an ag-urban interface area
 - Discuss potential mitigating measures that may be implemented, such as buffer zones, and alternative chemicals that may be used.
- A reduction in the “just-in-case” pesticides on a restricted material permit.
 - Many of the chemicals were removed from the permit in 2005/2006.
 - Continue reviewing permits until completed.
- Finish the Pesticide Regulation's Endangered Species Custom Realtime Internet Bulletin Engine (PRESCRIBE) search for all permit holders in all Sections, Townships, and Ranges in Calaveras County.
- Depending on the site, a permit may not be issued after the continuing education session.
 - Growers may be required to return to the office at a later time to more closely discuss hazards, mitigation measures, alternatives or use reporting.

Site-Monitoring Plan

Site-Monitoring Plan Development

- 150 notices of intent a year.
 - 5% inspections rate has routinely been achieved.
- Majority of the notices of intent are for:
 - 2,4-D on forested sites.
 - Aluminum phosphide.
 - Strychnine.
- No high risk sites (like GWPAs) in the county.
- No schools adjacent to agricultural fields, etc.
- A significant increase in applications of 2,4-D in timber situations (these are small acreage sites, two to twenty acres).
- There are not many new sites where restricted materials are applied.

Strength

- An electronic log of NOIs is maintained and viewable on all biologist's computers.
- The intents are reviewed by a licensed biologist.
- 5% of the intents are inspected.

Goal or Objective

- Meet goal that 5% of NOIs are inspected.
- Assure newly permitted sites are adequately monitored.
- Assure 2,4-D use in forestry is adequately monitored.
- Identify sensitive areas in the county, such as vineyards utilizing GIS (geographic information systems).
- Improve scheduling to assure NOIs and use reports are matched.

Deliverables

- Commit at least one day per season to review intents for 2,4-D and strychnine use in forestry situations.
 - Sites are owned by Sierra Pacific Industries (SPI), in remote areas of the county, behind locked gates.
 - SPI management coordinates inspections
- Calaveras County will perform pre-application site inspections on at least 5% of the notices of intent received.

B. Compliance Monitoring

Comprehensive Inspection Plan

Comprehensive Inspection Plan.

- A vacancy was filled and the inspector trainee has a background in grape production.
- The quantity and quality of inspections are increasing.
- Focus is on growers with employees that handle pesticides.
- Most inspections are spontaneous; however, many applications occur behind locked gates, but county is working on access issues.

Strength

- biologist with strong PUE skills.
- Use of the AIRS program on tablet PCs has:
 - Improved the quality of inspections; and
 - Manuals and forms are programmed into the computer.
- Deputy hired with good PUE background.
- Headquarters inspections are performed at least once every three years for businesses with employees.
- Tracking system is in place for tracking history of non-compliances as they are found.

Weakness

- Inaccessibility to fields behind locked gates still occurs even though biologists are working on access issues.
- State license certification and inspection training needed for new employee.

Goal or Objective

- Improve compliance monitoring by focusing inspections on growers, rather than structural pest control businesses (inspection strategy improvement).
- Focus inspections in high-risk areas associated with use of restricted materials and growers with employees.
- Increase our effort to perform follow-up inspections close to the time of original non-compliance.

- Increase field time and average number of inspections within three years.
- Obtain a use inspection of restricted material use in forest areas.
- Work with the EBL (Enforcement Branch Liaison) to complete five oversight inspections.
- Concentrate efforts to get behind locked gates, especially where employees handle pesticides.

Deliverables

- Increase the number of inspections performed by biologists to approximately twelve.
- Focus on growers, and more specifically, growers with employees that handle pesticides.
- Dedicate time to surveillance of forest areas in order to obtain an unexpected inspection, especially restricted materials.
- Monitor vineyards when grapes are actively being treated, monitor rangeland when aerial applications occur, monitor landscaped areas and other non-ag sites during slow agricultural times.
- Surveillance time should be scheduled for this purpose and in the appropriate times of the season.
- Obtain well-rounded inspections with closure and if non-compliances are found continue to concentrate efforts on them until compliance is achieved.

Investigation Response and Reporting Improvement

Investigation Response and Reporting

- Few worker health and safety illnesses
- Few other pesticide related complaints/investigations
- Low incidence of priority investigations
 - Follow the procedures that are set in the Cooperative Agreement between the U.S. Environmental Protection Agency, the Department of Pesticide Regulation, and the California Agricultural Commissioners and Sealers Association.
- All investigations commence as soon as possible

Strengths

- Low number of investigations leads to timely completion of reports
- We maintain a sampling and investigation kit containing all the supplies needed in one case
- Our current style of report writing closely follows DPR's format.
- Our annual evaluations have never stated that there is a need to improve investigation response or improve our reports. In the event WHS (Worker Health and Safety) needs further information, we have the ability to obtain the information.

Weakness

- training needed in report writing for new employee
- investigative training needed for new employee

Goal or Objective

- Maintain our current level of response to illness and other pesticide-related investigations.
- Keep the sampling/ investigation kit stocked with supplies and forms.
- Continue to follow the timelines in the Cooperative Agreement regarding priority investigations.
- Improve our report writing.
- Take enforcement and compliance actions in a timely manner.

Deliverables

- Timely submissions of illness investigations.
- Adapt our style of writing to more closely follow the format used in the Investigative Procedure Manual.

C. Enforcement Response

Enforcement Response Evaluation

- Follow the DPR Enforcement Response Regulations (ERR) as required for all enforcement/compliance actions.
- Have referred cases to the District Attorney (DA) and meet with the DA on a quarterly basis.

Strength

- A database system is in place to track violations and enforcement actions.
- A system is in place to notify maintenance gardeners of pesticide laws and regulations (business license notification for pesticide use license);
 - The county tax collector has incorporated a program, which requires new landscape-type businesses to get a signature from staff in the Department of Agriculture, before the business can obtain a county business license. At the time of the visit, staff explains that it is illegal to apply pesticides without being licensed by the state, and the new business signs a document stating they understand. Staff maintains a copy of the signed document, and therefore, we consider these businesses to be aware of the law as it applies to them.
- There is a low violation to enforcement action ratio. We were given an A-rating relative to other counties by local newspapers for this statistic (CAC follows the ERR).
- The reputation with the regulated industry is that we are aggressive in the field.
- The ERR has been publicized locally through outreach sessions with growers, Farm Bureau, continuing education courses and the Grape Grower Association.
- Quarterly meetings with Circuit Prosecuting Attorney for Environmental Affairs.

Weakness

- Lack of experience in the hearing process because the CAC has had no hearings to date.
- Some maintenance gardeners without licenses spray Round- up when they feel they will not be caught.

Goal or Objective

- Comply with the ERR.
- Assure compliance and enforcement actions are taken in a timely manner.

Deliverables

- Prioritize compliance and enforcement actions that pertain to worker health and safety laws and regulations and restricted materials use.
- Attempt to take rapid actions against unlicensed pest control businesses
- Follow the ERR in response to violations.
- Notify DA of high profile cases